

AN ORDINANCE amending the Thoroughfare Plan
of the City Comprehensive ("Master") Plan
by vacating a dedicated railroad spur easement.

WHEREAS, a petition to vacate a dedicated railroad
spur easement within the City of Fort Wayne (as more
specifically described below) was duly filed with the City
Planning Commission; and,

WHEREAS, said Commission duly held a public
hearing thereon; and,

WHEREAS, said Commission has duly forwarded its
recommendation to this body approving said petition, all in
accordance with I.C. 36-7-4-512(2) and this body having
held a public hearing on said vacation as provided in
I.C. 36-7-3-12; and,

WHEREAS, this body concurs in the recommendation
of the City Planning Commission.

NOW THEREFORE, BE IT ORDAINED BY THE COMMON
COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the petition filed herein to
vacate a dedicated railroad spur easement within the City of
Fort Wayne, more specifically described as follows, to-wit:

The East 40.0 feet of the West 550.0 feet of that
portion of Section I, Interstate Industrial Park,
which lies East of East right-of-way line of
Investment Drive and the northerly prolongation of
that right-of-way line,

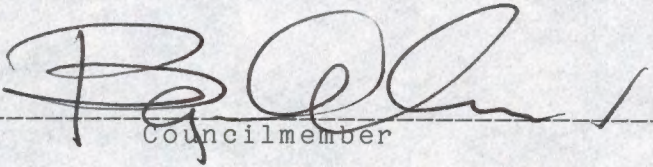
and which vacating amends the Thoroughfare Plan of the City
Comprehensive ("Master") Plan and is hereby approved in all
respects.

SECTION 2. That this Ordinance shall be in full
force and effect from and after its passage, any an all

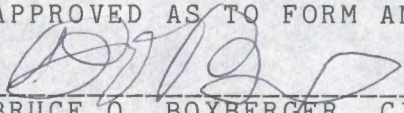
1 Bill No. G-86-

2 Page two

3
4
5 necessary approval by the Mayor.

6
7
8 
Councilmember

9 APPROVED AS TO FORM AND LEGALITY:

10 
11 BRUCE O. BOXBERGER, CITY ATTORNEY

12
13 **Public hearing to be held on _____, the _____
14 day of _____, 19____, in the Council
15 Chambers.

16
17 _____
18 Sandra E. Kennedy, City Clerk
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Read the first time in full and on motion by Eustach
seconded by Stew, and duly adopted, read the second time
by title and referred to the Committee Regulations (and the Ci
Plan Commission for recommendation) and Public Hearing to be held after
due legal notice, at the Council Chambers, City-County Building, Fort Way
Indiana, on _____, the _____ day of
_____, 19____, at _____ o'clock _____ .M., E

DATE: 1-28-86

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Eustach
seconded by Stew, and duly adopted, placed on its
passage. PASSED (LOST) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	<u>9</u>	_____	_____	_____	_____
<u>BRADBURY</u>	<u>✓</u>	_____	_____	_____	_____
<u>BURNS</u>	<u>✓</u>	_____	_____	_____	_____
<u>EISBART</u>	<u>✓</u>	_____	_____	_____	_____
<u>GiaQUINTA</u>	<u>✓</u>	_____	_____	_____	_____
<u>HENRY</u>	<u>✓</u>	_____	_____	_____	_____
<u>REDD</u>	<u>✓</u>	_____	_____	_____	_____
<u>SCHMIDT</u>	<u>✓</u>	_____	_____	_____	_____
<u>STIER</u>	<u>✓</u>	_____	_____	_____	_____
<u>TALARICO</u>	<u>✓</u>	_____	_____	_____	_____

DATE: 2-25-86

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort
Wayne, Indiana, as (~~ANNEXATION~~) (~~APPROPRIATION~~) (GENERAL)
(~~SPECIAL~~) (~~ZONING MAP~~) ORDINANCE (RESOLUTION) NO. 9-09-86
on the 25th day of February, 19 86,

ATTEST:

(SEAL)

Sandra E. Kennedy

Samuel J. Talarico

SANDRA E. KENNEDY, CITY CLERK

PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana,
on the 26th day of February, 19 86
at the hour of 2:30 o'clock P.M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 3rd day of March
19 86, at the hour of 2:00 o'clock P.M., E.S.T.

Win Moses, Jr.
WIN MOSES, JR., MAYOR

check # 2688

RECEIPT

COMMUNITY DEVELOPMENT & PLANNING

No 518

FT. WAYNE, IND.,

11/25 '19 85

RECEIVED FROM

Hoffman + Moppert

\$ 100.00

THE SUM OF

One Hundred + 00/100

100

DOLLARS

ON ACCOUNT OF

Railroad vacation
easement

95

B. Steele

AUTHORIZED SIGNATURE

TO: FORT WAYNE CITY PLAN COMMISSION

PETITION TO VACATE RAILROAD

SPUR EASEMENT

Comes now, the owners of the real estate abutting the hereinafter described railroad spur easement and petition to vacate the following public railroad spur easement described as:

The East 40.0 feet of the West 550.0 feet of that portion of Section I, Interstate Industrial Park, which lies East of the East right-of-way line of Investment Drive and the northerly prolongation of that right-of-way line.

1. That on April 2, 1971, Interstate Industrial Park, Section I was duly recorded in the Office of the Recorder of Allen County, Indiana, in Plat Record 32 Pages 145-148; that included in said plat was a railroad spur easement, which at said time, was intended to serve owners of Block 36.

2. That the said railroad spur easement does not now serve any property and is not in use or improved.

3. That no other person, firm or Corporation is interested in or affected by the requested vacation.

4. That the maintenance of said railroad spur easement is not necessary or advantageous to the growth of the City of Fort Wayne and that this vacation would be to the best interest of the City of Fort Wayne.

Your Petitioners file the Petition pursuant to the authority granted in Indiana Code Section 18-7-5-46 in order to complete the vacation as above described.

Wherefore, your Petitioners pray that the above described railroad spur easement be vacated according to the provisions of the Indiana Law pertaining thereto.

Dated this 30th day of September, 1985.

Petitioners:
INTERSTATE INDUSTRIAL PARKS, INC.

BY:

Floyd B. Kelsey Jr.
Floyd B. Kelsey Jr.

BY:

Robert E. Levihn
Robert E. Levihn

MAGNAVOX GOVERNMENT AND
INDUSTRIAL ELECTRONICS COMPANY

BY:

B. W. Hill
B. W. Hill

ITS:

Senior Vice President, Administration

RESOLUTION 76-11-3

WHEREAS, INTERSTATE INDUSTRIAL PARKS, INC. AND MAGNAVOX GOVERNMENT AND INDUSTRIAL ELECTRONICS COMPANY have petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following railroad spur easement situated in Fort Wayne, Allen County, to-wit:

The East 40.0 feet of the West 550.0 feet of that portion of Section I, Interstate Industrial Park, which lies East of East right-of-way line of Investment Drive and the northerly prolongation of that right-of-way line,

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 36-7-4-512; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof;

WHEREAS, said vacation of railroad spur easement has been routed through the following departments: Street Engineering, Traffic Engineering, Water Pollution Control Engineering, Electrical Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne Board of Public Works that the vacation of said railroad spur easement hereinbefore described conforms to the general policy and pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana.

BE IT FURTHER RESOLVED by the Board of Public Works that the vacation of said railroad spur easement hereinbefore described be and the same is hereby approved subject to easements as required by all public utilities occupying and using said railroad spur easement or part thereof for the vacation and operation of its utility facilities shall not be deprived of said use on account of these proceedings unless any said utilities shall file a written consent to said vacation.

STATE OF INDIANA)

) SS:

COUNTY OF ALLEN)

I, David J. Kiester, Director of the Board of Public Works, do hereby certify that attached hereto is a full, true and correct copy of a resolution adopted by the Fort Wayne Board of Public Works at their meeting held February 5, 1986 and as same appears of record in the official records of the Board of Public Works.

DATED THIS 5th DAY OF February 1986

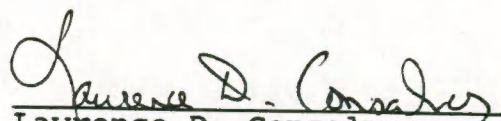
FORT WAYNE BOARD OF PUBLIC WORKS

David J. Kiester
Director of Public Works

Colette R. Simon
Director of Administration & Finance

Resolution
Bill No. G-86-01-26

Page two

A handwritten signature in cursive script, reading "Lawrence D. Consalvos", is written over a horizontal line.

Lawrence D. Consalvos
Director of Public Safety

RESOLUTION

WHEREAS, INTERSTATE INDUSTRIAL PARKS, INC. AND MAGNAVOX GOVERNMENT AND INDUSTRIAL ELECTRONICS COMPANY, have petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following railroad spur easement in Fort Wayne, Allen County, to-wit:

The East 40.0 feet of the West 550.0 feet of that portion of Section I, Interstate Industrial Park, which lies East of East right-of-way line of Investment Drive and the northerly prolongation of that right-of-way line,

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of 1963 of the General Assembly of the State of Indiana, Indiana Code, Section 36-7-4-512.

WHEREAS, notice of such public hearing has been given by due and proper publication thereof; and,

WHEREAS, said public hearing was held on January 27, 1986, at 7:00 P.M. and at such hearing there were no objections of any kind or character which should prevent the vacation of said railroad spur easement.

WHEREAS, said vacation of railroad spur easement has been routed through the following departments: Street Engineering, Traffic Engineering, Water Engineering, Water Pollution Control Engineering, Street Light Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne City Plan Commission that the vacation of said railroad spur easement hereinbefore described conforms to the general policy pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana;

BE IT FURTHER RESOLVED by the Fort Wayne City Plan Commission that the vacation of said railroad spur easement hereinbefore described be and the same is hereby approved.

BE IT FURTHER RESOLVED no public utility occupying and using said portion of railroad spur easement or part thereof for the vacation and operation of its utility facilities shall be deprived of said use on account of these proceedings unless any said utility shall file a written consent to said vacation.

BE IT FURTHER RESOLVED that the action of the Fort Wayne City Plan Commission be forwarded to the proper governing body having jurisdiction of the vacation of said railroad spur easement in Allen County, Indiana.

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

I, Melvin O. Smith, Secretary of the Fort Wayne City Plan Commission, do hereby certify that attached is a full true and correct copy of a resolution adopted by the Fort Wayne City Plan Commission following a public hearing of said Commission held 3 February 1986, and as the same appears of record in the official records of said Plan Commission.

DATED THIS 5th DAY OF February 1986

FORT WAYNE CITY PLAN COMMISSION

Melvin O. Smith
Secretary

Division of Community Development & Planning

BRIEF TITLE

Easement Vacation Ordinance

APPROVAL DEADLINE

REASON

DETAILS

Specific Location and/or Address

Railroad Spur Easement in Section I,
Interstate Industrial Park

Reason for Project

Easement is not necessary and better use
could be made of the property.

Discussion (Including relationship to other Council actions)

27 January 1986 - Public Hearing

Ed Moppert, attorney for the petitioners
stated that when Section I in Interstate
Industrial Park was originally developed
in 1971 they felt there was some need for
a railroad spur. He stated that need has
never developed.

There was no one present who wished to
speak in favor of or in opposition to the
proposed vacation.

3 February 1986 - Business Meeting

Of the 8 members present 7 voted in favor
of returning the ordinance to the Common
Council with a DO PASS recommendation,
one did not vote. Motion carried.

POSITIONS

RECOMMENDATIONS

Sponsor

City Plan Commission

Area Affected

City Wide

Other Areas

Applicants/
Proponents

Applicant(s)

Interstate Industrial Park
City Department

Other

Opponents

Groups or Individuals

Basis of Opposition

Staff
Recommendation
☒ For ☐ Against

Reason Against

Board or
Commission
Recommendation

By

☒ For ☐ Against
☐ No Action Taken

☐ For with revisions to condition
 (See Details column for condition)

CITY COUNCIL
ACTIONS
(For Council
use only)

☐ Pass ☐ Other
☐ Pass (as
amended) ☐ Hold
☐ Council Sub. ☐ Do not pass

DETAILS

POLICY/PROGRAM IMPACT

Policy or Program Change	<input type="checkbox"/> No	<input type="checkbox"/> Yes
Operational Impact Assessment		

(This space for further discussion)

Project Start

Date 25 November 1985

Projected Completion or Occupancy

Date 5 February 1986

Fact Sheet Prepared by

Date 5 February 1986

Patricia Biancaniello

Reviewed by

Date 2/5/86

Gary Butler
Reference or Case Number

#179

MAP NO. J-34

INTERSTATE HIGHWAY 2648

NO. 69

INTERSTATE INDUSTRIAL PARK

BLOCK 36

SECTION I

RESEARCH DRIVE

INVESTMENT DRIVE

BLOCK 35

BLOCK 34

INTERSTATE INDUSTRIAL PARK

NOTE: THIS PLAT IS CORRECT AS OF DATE OF RECORDING

Zoning:

Land Use:

M2 GENERAL INDUSTRY

6-86-01-26

NORTH



Scale: 1" = 200'

10

Date: 1-6-86

Notified Agent Only:

Ed Moppert
Anthony Wayne Bank
Suite 1212
Fort Wayne, IN 02

LEGAL NOTICE

You are hereby notified that the Fort Wayne City Plan Commission will conduct a public hearing on Monday, January 27, 1986 at 7:00 P.M. in Room #126, City-County Building, One Main Street, Fort Wayne, Indiana on the proposed vacation of the following described public right-of-way.

1. PETITION TO VACATE PORTION OF A STREET

Pearl Street from Fairfield Avenue as said street abuts and adjoins Lots Numbered 1 & 2 of Block 7 Ewing's Addition and Lots Numbered 1 and 2 in Block 14 Ewing's Addition to the City of Fort Wayne, Allen County, Indiana.

2. PETITION TO VACATE RAILROAD SPUR EASEMENT

The East 40.0 feet of the West 550.0 feet of that portion of Section I, Interstate Industrial Park, which lies East of the East right-of-way line of Investment Drive and the northerly prolongation of that right-of-way line.

3. PETITION TO VACATE PORTION OF AN ALLEY

Part of an alley extending Northeasterly from Wayne Trace and approximately 133 feet, more or less, Northwest of Roy Street, more particularly described as follows:

Beginning at a point on the Northeast right-of-way of Wayne Trace said point being located 145 feet Northwest of the Northwest right-of-way of Roy Street with its intersection with Wayne Trace; thence Northeast along and parallel to the Southeast line of Lot #3 in Didrick's Addition a distance of 190 feet to the Southeast corner of said Lot #3; thence southeast and parallel to the Northeast line of said Lot #3 a distance of 12 feet to a point located on the Northwest line of Lot #8 in said addition; thence southwest along and parallel to the Northwest lot lines of Lots 4, 5, 6, 7 and 8 in said addition a distance of 190 feet to its intersection with the Northeast right-of-way of Wayne Trace; thence Northwest along the Northeast right-of-way of Wayne Trace a distance of 12 feet to the point of beginning, containing 0.083 acres, more or less.

4. PETITION TO VACATE A UTILITY EASEMENT

Beginning at the northeast corner of Block "A" in Enterprise Center, Section I (recorded in Plat Book 32, pages 69 and 70 in the Allen County Recorder's Office); thence west along the south right-of-way line of Collins Road a distance

Rec'd 46-86-01-26
↓

NOTICE OF PUBLIC HEARING
FORT WAYNE COMMON COUNCIL
(BILL NO. G-86-01-26)

Notice is hereby given that the Fort Wayne Common Council of the City of Fort Wayne, will conduct a public hearing on Tuesday, February 25, 1986, at 7:00 P.M. (EST) in Room 128, City-County Building, One Main Street, Fort Wayne, Indiana, more particularly described as follows:

The East 40.0 feet of the West 550.0 feet of that portion of Section I, Interstate Industrial Park, which lies East of the East right-of-way line of Investment Drive and the northerly prolongation of that right-of-way line.

All interested parties are invited to appear and be heard.

Fort Wayne Common Council

Sandra E. Kennedy
City Clerk



The City of Fort Wayne

February 7, 1986

Ms. Trudy Sterling
Fort Wayne Newspapers, Inc.
600 West Main Street
Fort Wayne, IN 46802

Dear Ms. Sterling:

Please give the attached full coverage on the date of February 13, 1986, in both the News Sentinel and the Journal Gazette.

RE: Legal Notice for Common Council
of Fort Wayne, IN

Bill No. G-86-01-25
Bill No. G-86-01-26
Bill No. G-86-01-28

Please send us 4 copies of the Publisher's Affidavit from both newspapers.

Thank you.

Sincerely yours,

A handwritten signature in cursive script that reads "Sandra E. Kennedy".

Sandra E. Kennedy
City Clerk

SEK/ne
ENCL: 3

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) - number of equivalent lines		
Head	number of lines	2
Body	number of lines	13
Tail	number of lines	3
Total number of lines in notice		18

COMPUTATION OF CHARGES

18	lines,	1	columns wide equals	18	equivalent lines at	.300¢	\$ 5.40
cents per line							
Additional charge for notices containing rule or tabular work (50 per cent of above amount)							
Charge for extra proofs of publication (50 cents for each proof in excess of two) 2 extra copies 1.00							
TOTAL AMOUNT OF CLAIM							\$ 6.40

DATA FOR COMPUTING COST

Width of single column 12.5 picas	Size of type 6 point
Number of insertions 1	Size of quad upon which type is cast 6

Pursuant to the provision and penalties of Ch. 89., Acts 1967.

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Drusilla Roose

Date Feb. 13, 19 86

Title CLERK

FORM #904

PUBLISHER'S AFFIDAVIT

State of Indiana
ALLEN County SS:

Personally appeared before me, a notary public in and for said county and state, the undersigned Drusilla Roose who, being duly sworn, says that he/she is CLERK of the JOURNAL-GAZETTE DAILY newspaper of general circulation printed and published in the English language in the city of FORT WAYNE, INDIANA in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for one time, the dates of publication being as follows: 2/13/86

Drusilla Roose

Subscribed and sworn to me before this 13th day of February 19 86

Anne M. Perkins

Notary Public

November 29, 1989

My commission expires

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(BILL NO. G-86-01-26)

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All interested parties are invited to appear and be heard.

Fort Wayne Common Council
Sandra E. Kennedy
City Clerk

2/13

PUBLISHER'S CLAIM

LINE COUNT

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Drusilla Roose

Date Feb. 13, 19 86 Title CLERK

FORM #903

PUBLISHER'S AFFIDAVIT

State of Indiana
ALLEN County SS:

Personally appeared before me, a notary public in and for said county and state, the undersigned Drusilla Roose who, being duly sworn, says that he/she is CLERK of the NEWS-SENTINEL a DAILY newspaper of general circulation printed and published in the English language in the city of FORT WAYNE, INDIANA in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for one time, the dates of publication being as follows:

2/13/86

Subscribed and sworn to me before this 13th day of February 19 86

Anne M. Perkins Notary Public

My commission expires November 29, 1989

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Fort Wayne Common Council
Sandra E. Kennedy
City Clerk

2/13

ORIGINAL

Admn. Appr. _____

COUNCILMANIC DISTRICT No. 3

DIGEST SHEET

ORIGINAL

86-01-26

TITLE OF ORDINANCE Easment Vacation Ordinance

DEPARTMENT REQUESTING ORDINANCE Land Use Management - CD&P

SYNOPSIS OF ORDINANCE Railroad Spur Easement in Section I, Interstate

Industrial Park.

EFFECT OF PASSAGE Property is a dedicated easement. Property will be closed and
revert to the private use of the adjacent property owners.

EFFECT OF NON-PASSAGE Property will remain a dedicated easement.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) _____

(ASSIGN TO COMMITTEE (J.N.) _____

BILL NO. G-86-01-26

REPORT OF THE COMMITTEE ON REGULATIONS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS
REFERRED AN (ORDINANCE) (~~XXXXXXXXXX~~) amending the Thoroughfare Plan
of the City Comprehensive Plan by vacating a dedicated railroad
spur easement

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION AND BEG
LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID (ORDINANCE)
(~~RESOLUTION~~)

YES

NO

BEN A. EISBART
CHAIRMAN

JANET G. BRADBURY
VICE CHAIRWOMAN

DONALD J. SCHMIDT

THOMAS C. HENRY

CHARLES B. REDD

CONCURRED IN 2-25-86

SANDRA E. KENNEDY
CITY CLERK